

1 AN ACT relating to public school assessments and accountability.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 158.6453 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Accelerated learning" means an organized way of helping students meet
6 individual academic goals by providing direct instruction to eliminate student
7 performance deficiencies or enable students to move more quickly through
8 course requirements and pursue higher level skill development;

9 (b) "Constructed-response items" or "performance-based items" means individual
10 test items that require the student to create an answer rather than select a
11 response and may include fill-in-the-blank, short-answer, extended-answer,
12 open-response, and writing-on-demand formats;

13 (c) "Criterion-referenced test" means a test that is aligned with defined academic
14 content standards and measures an individual student's level of performance
15 against the standards;

16 (d) "End-of-course examination" means the same as defined in KRS 158.860;

17 (e) "Formative assessment" means a process used by teachers and students during
18 instruction to adjust ongoing teaching and learning to improve students'
19 achievement of intended instructional outcomes. Formative assessments may
20 include the use of commercial assessments, classroom observations, teacher-
21 designed classroom tests and assessments, and other processes and
22 assignments to gain information about individual student learning;

23 (f) "Interim assessments" means assessments that are given periodically
24 throughout the year to provide diagnostic information and to show individual
25 student performance against content standards;

26 (g) "Summative assessment" means an assessment given at the end of the school
27 year, semester, or other period of time to evaluate students' performance

1 against content standards within a unit of instruction or a course; and

2 (h) "Writing" means a purposeful act of thinking and expression that uses
3 language to explore ideas and communicate meaning to others. Writing is a
4 complex, multifaceted act of communication.

5 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
6 Kentucky Department of Education shall implement a process for reviewing
7 Kentucky's academic standards and the alignment of corresponding
8 assessments for possible revision or replacement to ensure alignment with
9 transition~~[postsecondary]~~ readiness standards necessary for global
10 competitiveness and with state career and technical education standards.

11 (b) The revisions to the content standards shall:

- 12 1. Focus on critical knowledge, skills, and capacities needed for success in
13 the global economy;
- 14 2. Result in fewer but more in-depth standards to facilitate mastery
15 learning;
- 16 3. Communicate expectations more clearly and concisely to teachers,
17 parents, students, and citizens;
- 18 4. Be based on evidence-based research;
- 19 5. Consider international benchmarks; and
- 20 6. Ensure that the standards are aligned from elementary to high school to
21 postsecondary education so that students can be successful at each
22 education level.

23 (c) 1. The department shall establish four (4) standards and assessments
24 review~~[and development]~~ committees, with each committee composed
25 of a minimum of six (6) Kentucky public school teachers and a
26 minimum of two (2) representatives from Kentucky institutions of
27 higher education, including at least one (1) representative from a public

- 1 institution of higher education. Each committee member shall teach in
2 the subject area that his or her committee is assigned to review and have
3 no prior or current affiliation with a curriculum or assessment resources
4 vendor.
- 5 2. One (1) of the four (4) committees shall be assigned to focus on the
6 review of language arts and writing academic standards and
7 assessments, one (1) on the review of mathematics academic standards
8 and assessments, one (1) on the review of science academic standards
9 and assessments, and one (1) on the review of social studies academic
10 standards and assessments.
- 11 (d) 1. The department shall establish twelve (12) advisory panels to advise and
12 assist each of the four (4) standards and assessments review ~~and~~
13 ~~development~~ committees.
- 14 2. Three (3) advisory panels shall be assigned to each standards and
15 assessments review ~~and development~~ committee. One (1) panel shall
16 review the standards and assessments for kindergarten through grade
17 five (5), one (1) shall review the standards and assessments for grades
18 six (6) through eight (8), and one (1) shall review the standards and
19 assessments for grades nine (9) through twelve (12).
- 20 3. Each advisory panel shall be composed of at least one (1) representative
21 from a Kentucky institution of higher education and a minimum of six
22 (6) Kentucky public school teachers who teach in the grade level and
23 subject reviewed by the advisory panel to which they are assigned and
24 have no prior or current affiliation with a curriculum or assessment
25 resources vendor.
- 26 (e) The commissioner of education and the president of the Council on
27 Postsecondary Education shall also provide consultants for the standards and

1 assessments review~~[and development]~~ committees and the advisory panels
 2 who are business and industry professionals actively engaged in career fields
 3 that depend on the various content areas.

- 4 (f) 1. The standards and assessments process review committee is hereby
 5 established and shall be composed of **the commissioner of education or**
 6 **designee as a nonvoting member and nine (9) voting representatives of**
 7 **public schools, of whom at least two (2) shall be parents of public**
 8 **school students, appointed by the Governor and confirmed by the**
 9 **Senate in accordance with KRS 11.160 as follows**~~[ten (10) members,~~
 10 ~~including]:~~
- 11 a. **One (1) language arts teacher**~~[Three (3) members appointed by~~
 12 ~~the Governor];~~
- 13 b. **One (1) math teacher**~~[Three (3) members of the Senate appointed~~
 14 ~~by the President of the Senate];~~
- 15 c. **One (1) science teacher;**~~[Three (3) members of the House of~~
 16 ~~Representatives appointed by the Speaker of the House of~~
 17 ~~Representatives; and]~~
- 18 d. **One (1) social studies teacher;**
- 19 e. **Two (2) school principals;**
- 20 f. **Two (2) school superintendents; and**
- 21 g. **One (1) school board member**~~[The commissioner of education].~~
- 22 2. **On making appointments to the committee, the Governor shall ensure**
 23 **broad geographical urban and rural representation and**
 24 **representation of elementary, middle, and high school levels; ensure**
 25 **equal representation of the two (2) sexes, inasmuch as possible; and**
 26 **ensure that appointments reflect the minority racial composition of the**
 27 **Commonwealth.**

1 **3.** The review of the committee shall be limited to the procedural aspects
2 of the review process undertaken prior to its consideration.

3 **4. Notwithstanding KRS 12.028, the committee shall not be subject to**
4 **reorganization by the Governor.**

5 (g) 1. The review process implemented under this subsection shall be an open,
6 transparent process that allows all Kentuckians an opportunity to
7 participate. The department shall ensure the public's assistance in
8 reviewing and suggesting changes to the standards and alignment
9 adjustments to corresponding state assessments by establishing a Web
10 site dedicated to collecting comments by the public and educators. An
11 independent third party, which has no prior or current affiliation with a
12 curriculum or assessment resources vendor, shall be selected by the
13 department to collect and transmit the comments to the department for
14 dissemination to the appropriate advisory panel for review and
15 consideration.

16 2. Each advisory panel shall review the standards and assessments for its
17 assigned subject matter and grade level and the suggestions made by the
18 public and educators. After completing its review, each advisory panel
19 shall make recommendations for changes to the standards and alignment
20 adjustments for assessments to the appropriate standards and
21 assessments review~~[and development]~~ committee.

22 3. Each standards and assessments review~~[and development]~~ committee
23 shall review the findings and make recommendations to revise or replace
24 existing standards and to adjust alignment of assessments~~[to the~~
25 standards and assessments process review committee].

26 4. The recommendations shall be published on the Web site established in
27 this subsection for the purpose of gathering additional feedback from the

1 public. The commissioner~~[, on behalf of the standards and assessments~~
2 ~~process review committee,]~~ shall subsequently present the
3 recommendations and the public feedback to the Interim Joint
4 Committee on Education.

5 5. The commissioner shall subsequently provide a report to the standards
6 and assessments process review committee summarizing the process
7 conducted under this subsection and the resulting recommendations. The
8 report shall include but not be limited to the timeline of the review
9 process, public feedback, and responses from the Interim Joint
10 Committee on Education.

11 6. After receiving the commissioner's report, the standards and assessments
12 process review committee shall either concur that stakeholders have had
13 adequate opportunity to provide input on standards and the
14 corresponding alignment of state assessments or find the input process
15 deficient. If the process is found deficient, the recommendations may be
16 returned to the appropriate standards and assessments review~~[and~~
17 ~~development]~~ committee for review as described in subparagraph 3. of
18 this paragraph. If the process is found sufficient, the recommendations
19 shall be forwarded without amendment to the Kentucky Board of
20 Education.

21 (h) The Kentucky Board of Education shall promulgate administrative regulations
22 in accordance with KRS Chapter 13A as may be needed for the administration
23 of the review process, including staggering the timing and sequence of the
24 review process by subject area and remuneration of the review~~[and~~
25 ~~development]~~ committees and advisory panels described in paragraphs (c) and
26 (d) of this subsection.

27 (i) 1. The Kentucky Board of Education shall consider for approval the

1 revisions to academic standards for a content area and the alignment of
2 the corresponding state assessment once recommendations are received
3 from the standards and assessments process review committee. Existing
4 state academic standards shall remain in place until the board approves
5 new standards.

6 2. Any revision to, or replacement of, the academic standards and
7 assessments as a result of the review process conducted under this
8 subsection shall be implemented in Kentucky public schools no later
9 than the second academic year following the review process. Existing
10 academic standards shall be used until new standards are implemented.

11 3. The Department of Education shall disseminate the academic content
12 standards to the schools and teacher preparation programs.

13 (j) The Department of Education shall provide or facilitate statewide training
14 sessions for existing teachers and administrators on how to:

- 15 1. Integrate the revised content standards into classroom instruction;
- 16 2. Better integrate performance assessment of students within their
17 instructional practices; and
- 18 3. Help all students use higher-order thinking and communication skills.

19 (k) The Education Professional Standards Board in cooperation with the
20 Kentucky Board of Education and the Council on Postsecondary Education
21 shall coordinate information and training sessions for faculty and staff in all of
22 the teacher preparation programs in the use of the revised academic content
23 standards. The Education Professional Standards Board shall ensure that each
24 teacher preparation program includes use of the academic standards in the pre-
25 service education programs and that all teacher interns will have experience
26 planning classroom instruction based on the revised standards.

27 (l) The Council on Postsecondary Education in cooperation with the Kentucky

1 Department of Education and the postsecondary education institutions in the
2 state shall coordinate information sessions regarding the academic content
3 standards for faculty who teach in the various content areas.

4 (3) (a) The Kentucky Board of Education shall be responsible for creating and
5 implementing a balanced statewide assessment program that measures the
6 students', schools', and districts' achievement of the goals set forth in KRS
7 158.645 and 158.6451, to ensure compliance with the federal Every Student
8 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
9 school accountability.

10 (b) The board shall revise the annual statewide assessment program as needed in
11 accordance with revised academic standards and corresponding assessment
12 alignment adjustments approved by the board under subsection (2) of this
13 section.

14 (c) The statewide assessments shall not include any academic standards not
15 approved by the board under subsection (2) of this section.

16 (d) The board shall seek the advice of the Office of Education Accountability; the
17 School Curriculum, Assessment, and Accountability Council; the Education
18 Assessment and Accountability Review Subcommittee, and the National
19 Technical Advisory Panel on Assessment and Accountability in the
20 development of the assessment program. The statewide assessment program
21 shall not include measurement of a student's ability to become a self-sufficient
22 individual or to become a responsible member of a family, work group, or
23 community.

24 (4) (a) The academic components of the statewide assessment program shall be
25 composed of annual student summative tests, which may include a
26 combination of multiple competency-based assessment and performance
27 measures approved by the Kentucky Board of Education.

- 1 (b) The annual student summative tests shall:
- 2 1. Measure individual student achievement in language, reading, English,
3 mathematics, science, and social studies at designated grades;
- 4 2. Provide teachers and parents a valid and reliable comprehensive analysis
5 of skills mastered by individual students;
- 6 3. Provide diagnostic information that identifies strengths and academic
7 deficiencies of individual students in the content areas;
- 8 4. Provide information to teachers that can enable them to improve
9 instruction for current and future students;
- 10 5. Provide longitudinal profiles for students; and
- 11 6. Ensure school and district accountability for student achievement of the
12 goals set forth in KRS 158.645 and 158.6451, except the statewide
13 assessment program shall not include measurement of a student's ability
14 to become a self-sufficient individual or to become a responsible
15 member of a family, work group, or community.
- 16 (5) The state student assessments shall include the following components:
- 17 (a) Elementary and middle grades requirements are:
- 18 1. A criterion-referenced test each in mathematics and reading in grades
19 three (3) through eight (8) that is valid and reliable for an individual
20 student and that measures the depth and breadth of Kentucky's academic
21 content standards;
- 22 2. A criterion-referenced test each in science and social studies that is valid
23 and reliable for an individual student as necessary to measure the depth
24 and breadth of Kentucky's academic content standards to be
25 administered one (1) time within the elementary and middle grades,
26 respectively;
- 27 3. An on-demand assessment of student writing to be administered one (1)

- 1 time within the elementary grades and one (1) time within the middle
2 grades; and
- 3 4. An editing and mechanics test relating to writing, using multiple choice
4 and constructed response items, to be administered one (1) time within
5 the elementary and the middle grades, respectively;
- 6 (b) High school requirements are:
- 7 1. A criterion-referenced test in mathematics, reading, and science that is
8 valid and reliable for an individual student and that measures the depth
9 and breadth of Kentucky's academic content standards to be
10 administered one (1) time within the high school grades;
- 11 2. A criterion-referenced test in social studies that is valid and reliable for
12 an individual student as necessary to measure the depth and breadth of
13 Kentucky's academic content standards to be administered one (1) time
14 within the high school grades;
- 15 3. An on-demand assessment of student writing to be administered one (1)
16 time within the high school grades;
- 17 4. An editing and mechanics test relating to writing, using multiple choice
18 and constructed response items, to be administered one (1) time within
19 the high school grades; and
- 20 5. A college admissions examination to assess English, reading,
21 mathematics, and science in the spring of grade ten (10) and the spring
22 of grade eleven (11);
- 23 (c) The Kentucky Board of Education shall add any other component necessary to
24 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
25 its successor, as determined by the United States Department of Education;
- 26 (d) The criterion-referenced components required in this subsection shall be
27 composed of constructed response items and multiple choice items;

- 1 (e) The Kentucky Board of Education may incorporate end-of-course
2 examinations into the assessment program to be used in lieu of requirements
3 for criterion-referenced tests required under paragraph (b) of this subsection;
4 and
- 5 (f) The results of the assessment program developed under this subsection shall
6 be used by schools and districts to determine appropriate instructional
7 modifications for all students in order for students to make continuous
8 progress, including that needed by advanced learners.
- 9 (6) Each school district shall administer the statewide student assessment during the
10 last fourteen (14) days of school in the district's instructional calendar. The
11 Kentucky Board of Education may change the testing window to allow for
12 innovative assessment systems or other online test administration and shall
13 promulgate administrative regulations that minimize the number of days of testing
14 and outline the procedures to be used during the testing process to ensure test
15 security, including procedures for testing makeup days, and to comply with federal
16 assessment requirements.
- 17 (7) A student enrolled in a district-operated or district-contracted alternative program
18 shall participate in the appropriate assessments required by this section.
- 19 (8) A local school district may select and use commercial interim or formative
20 assessments or develop and use its own formative assessments to provide data on
21 how well its students are growing toward mastery of Kentucky academic standards,
22 so long as the district's local school board develops a policy minimizing the
23 reduction in instructional time related to the administration of the interim
24 assessments. Nothing in this section precludes teachers from using ongoing teacher-
25 developed formative processes.
- 26 (9) Each school that enrolls primary students shall use diagnostic assessments and
27 prompts that measure readiness in reading and mathematics for its primary students

1 as determined by the school to be developmentally appropriate. The schools may
2 use commercial products, use products and procedures developed by the district, or
3 develop their own diagnostic procedures. The results shall be used to inform the
4 teachers and parents or guardians of each student's skill level.

5 (10) The state board shall ensure that a technically sound longitudinal comparison of the
6 assessment results for the same students shall be made available.

7 (11) The following provisions shall apply to the college admissions examinations
8 described in subsection (5)(b)5. of this section:

9 (a) The cost of both college admissions examinations administered to students in
10 high school shall be paid for by the Kentucky Department of Education. The
11 costs of additional college admissions examinations shall be the responsibility
12 of the student;

13 (b) If funds are available, the Kentucky Department of Education shall provide a
14 college admissions examination preparation program to all public high school
15 juniors. The department may contract for necessary services; and

16 (c) Accommodations provided to a student with a disability taking the college
17 admissions assessments under this subsection shall consist of:

18 1. Accommodations provided in a manner allowed by the college
19 admissions assessment provider when results in test scores are
20 reportable to a postsecondary institution for admissions and placement
21 purposes, except as provided in subparagraph 2. of this paragraph; or

22 2. Accommodations provided in a manner allowed by a student's
23 individualized education program as defined in KRS 158.281 for a
24 student whose disability precludes valid assessment of his or her
25 academic abilities using the accommodations provided under
26 subparagraph 1. of this paragraph when the student's scores are not
27 reportable to a postsecondary institution for admissions and placement

1 purposes.

2 (12) Kentucky teachers shall have a significant role in providing feedback about the
3 design of the assessments, except for the college admissions exams described in
4 subsection (5)(b)5. of this section. The assessments shall be designed to:

5 (a) Measure grade appropriate core academic content, basic skills, and higher-
6 order thinking skills and their application;

7 (b) Provide valid and reliable scores for schools. If scores are reported for
8 students individually, they shall be valid and reliable;

9 (c) Minimize the time spent by teachers and students on assessment; and

10 (d) Assess Kentucky academic standards only.

11 (13) The results from assessment under subsections (3) and (5) of this section shall be
12 reported to the school districts and schools no later than seventy-five (75) days
13 following the last day the assessment can be administered. Assessment reports
14 provided to the school districts and schools shall include an electronic copy of an
15 operational subset of test items from each assessment administered to their students
16 and the results for each of those test items by student and by school.

17 (14) The Department of Education shall gather information to establish the validity of
18 the assessment and accountability program. It shall develop a biennial plan for
19 validation studies that shall include but not be limited to the consistency of student
20 results across multiple measures, the congruence of school scores with documented
21 improvements in instructional practice and the school learning environment, and the
22 potential for all scores to yield fair, consistent, and accurate student performance
23 level and school accountability decisions. Validation activities shall take place in a
24 timely manner and shall include a review of the accuracy of scores assigned to
25 students and schools, as well as of the testing materials. The plan shall be submitted
26 to the Commission by July 1 of the first year of each biennium. A summary of the
27 findings shall be submitted to the Legislative Research Commission by September 1

1 of the second year of the biennium.

2 (15) The Department of Education and the state board shall offer optional assistance to
3 local school districts and schools in developing and using continuous assessment
4 strategies needed to assure student progress. The continuous assessment shall
5 provide diagnostic information to improve instruction to meet the needs of
6 individual students.

7 (16) The Administration Code for Kentucky's Assessment Program shall include
8 prohibitions of inappropriate test preparation activities by school district employees
9 charged with test administration and oversight, including but not limited to the issue
10 of teachers being required to do test practice in lieu of regular classroom instruction
11 and test practice outside the normal work day. The code shall include disciplinary
12 sanctions that may be taken toward a school or individuals.

13 (17) The Kentucky Board of Education, after the Department of Education has received
14 advice from the Office of Education Accountability; the School Curriculum,
15 Assessment, and Accountability Council; and the National Technical Advisory
16 Panel on Assessment and Accountability, shall promulgate an administrative
17 regulation under KRS Chapter 13A to establish the components of a reporting
18 structure for assessments administered under this section. The reporting structure
19 shall include the following components:

20 (a) A school report card that clearly communicates with parents and the public
21 about school performance. The school report card shall be sent to the parents
22 of the students of the districts, and information on electronic access to a
23 summary of the results for the district shall be published in the newspaper
24 with the largest circulation in the county. It shall include but not be limited to
25 the following components reported by race, gender, and disability when
26 appropriate:

27 1. Student academic achievement, including the results from each of the

- 1 assessments administered under this section;
- 2 2. For Advanced Placement, Cambridge Advanced International, and
3 International Baccalaureate, the courses offered, the number of students
4 enrolled, completing, and taking the examination for each course, and
5 the percentage of examinees receiving a score of three (3) or better on
6 AP examinations, a score of "e" or better on Cambridge Advanced
7 International examinations, or a score of five (5) or better on IB
8 examinations. The data shall be disaggregated by gender, race, students
9 with disabilities, and economic status;
- 10 3. Nonacademic achievement, including the school's attendance, retention,
11 graduation rates, and student transition to postsecondary;
- 12 4. School learning environment, including measures of parental
13 involvement; and
- 14 5. Any other school performance data required by the Every Student
15 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 16 (b) An individual student report to parents for each student in grades three (3)
17 through eight (8) summarizing the student's skills in reading, science, social
18 studies, and mathematics. The school's staff shall develop a plan for
19 accelerated learning for any student with identified deficiencies or strengths;
20 and
- 21 (c) A student's highest scores on the college admissions assessments administered
22 under subsection (5)(b)5. of this section.
- 23 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
24 Kentucky Department of Education shall implement a comprehensive process
25 for reviewing and revising the academic standards in visual and performing
26 arts and practical living skills and career studies for all levels and in foreign
27 language for middle and high schools. The department shall develop review

1 committees for the standards for each of the content areas that include
2 representation from certified specialist public school teachers and
3 postsecondary teachers in those subject areas.

4 (b) The academic standards in practical living skills for elementary, middle, and
5 high school levels shall include a focus on drug abuse prevention, with an
6 emphasis on the prescription drug epidemic and the connection between
7 prescription opioid abuse and addiction to other drugs, such as heroin and
8 synthetic drugs.

9 (c) The department shall provide to all schools guidelines for programs that
10 incorporate the adopted academic standards in visual and performing arts and
11 practical living and career studies. The department shall provide to middle and
12 high schools guidelines for including a foreign language program. The
13 guidelines shall address program length and time, courses offered, staffing,
14 resources, and facilities.

15 (d) The Kentucky Department of Education, in consultation with certified public
16 school teachers of visual and performing arts, may develop program standards
17 for the visual and performing arts.

18 (19) The Kentucky Department of Education shall provide to all schools guidelines for
19 including an effective writing program within the curriculum. Each school-based
20 decision making council or, if there is no school council, a committee appointed by
21 the principal, shall adopt policies that determine the writing program for its school
22 and submit it to the Department of Education for review and comment. The writing
23 program shall incorporate a variety of language resources, technological tools, and
24 multiple opportunities for students to develop complex communication skills for a
25 variety of purposes.

26 (20) (a) The Kentucky Department of Education, in consultation with the review
27 committees described in subsection (18) of this section, shall develop a school

1 profile report to be used by all schools to document how they will address the
2 adopted academic standards in their implementation of the programs as
3 described in subsection (18) of this section, which may include student
4 opportunities and experiences in extracurricular activities. The department
5 shall include the essential workplace ethics program on the school profile
6 report.

7 (b) By October 1 of each year, each school principal shall complete the school
8 profile report, which shall be signed by the members of the school council, or
9 the principal if no school council exists, and the superintendent. The report
10 shall be electronically transmitted to the Kentucky Department of Education,
11 and the original shall be maintained on file at the local board office and made
12 available to the public upon request. The department shall include a link to
13 each school's profile report on its Web site.

14 (c) If a school staff member, student, or a student's parent has concerns regarding
15 deficiencies in a school's implementation of the programs described in
16 subsection (18) of this section, he or she may submit a written inquiry to the
17 school council.

18 ➔Section 2. KRS 158.6455 is amended to read as follows:

19 It is the intent of the General Assembly that schools succeed with all students and receive
20 the appropriate consequences in proportion to that success.

21 (1) (a) The Kentucky Board of Education shall create an accountability system to
22 classify districts and schools in accordance with the academic standards and
23 student assessment program developed pursuant to KRS 158.6453.

24 (b) The accountability system shall include:

25 1. An annual overall summative performance evaluation of each school
26 and district compared to short- and long-term goals established by the
27 Kentucky Department of Education. The evaluation for each school and

1 district shall be a numerical index that represents the amount of
2 interim progress made based on the combination of all measured
3 indicators and shall:

4 a. Not rank~~[consist of a single summative numerical score that~~
5 ~~ranks]~~ schools against each other based on the comparison of
6 schools' assessment results and weighted measures but on the
7 comparison of their overarching indices that represent each
8 school's interim growth for a combination of those measures;~~;~~
9 ~~and]~~

10 b. Be based on a combination of academic and school quality
11 indicators and measures, with greater weight assigned to the
12 academic measures;

13 c. For the academic measures, be based on:

14 i. The amount of improvement made on student assessment
15 results from initial baseline measures toward short- and
16 long-term goals specific to each school, with more weight
17 in academic accountability for progress made by subgroups
18 identified as consistently underperforming. The short-term
19 goals for each school's academic measures shall be for two
20 (2) consecutive years;

21 ii. The level of proficiency for all students as a group and
22 separately for individual subgroups as determined by
23 criterion-referenced state assessments;

24 iii. A percentage increase in proficiency for all students as a
25 group and separately for individual subgroups within a
26 timeframe set by the Kentucky Department of Education;
27 and

1 *iv. A weighted formula that does not assign more than a forty*
 2 *percent (40%) weight to proficiency level as described in*
 3 *subpart ii. of this subdivision.*

4 2. *Progress toward increasing access to and participation in higher level*
 5 *courses, programs, and career pathways by underrepresented*
 6 *subgroups*~~[Student assessment results];~~

7 3. Progress toward achieving English proficiency by limited English
 8 proficiency students;

9 4. Quality of school climate and safety;

10 5. High school graduation rates;

11 6. *Transition*~~[Postsecondary]~~ readiness for each high school student,
 12 which shall be included as an academic indicator *and shall be*
 13 *determined only as provided in this subparagraph:*

14 *a. The accountability system shall award equal credit for transition*
 15 *readiness, except as provided in subpart vi. of this subdivision,*
 16 *for achievement of any of the following measures*~~[, and shall be~~
 17 ~~measured by]:~~

18 *i. [a.] Meeting or exceeding a college readiness composite or*
 19 *subject area* benchmark score on the college admissions
 20 examination used as the statewide assessment in KRS
 21 158.6453(5)(b)5. The college readiness benchmark
 22 *scores*~~[score]~~ shall be established by the Council on
 23 Postsecondary Education;~~[or]~~

24 *ii. [b.] Achieving three (3) hours of college credit or postsecondary*
 25 *articulated credit by completing a course approved by the*
 26 *Kentucky Board of Education;*

27 *iii. Achieving a benchmark score on an Advanced Placement,*

1 *International Baccalaureate, Cambridge Advanced*
 2 *International, or other nationally recognized exam*
 3 *approved by the Kentucky Board of Education that*
 4 *generally qualifies the student for three (3) hours or more*
 5 *of college credit;*

6 *iv. For a student who participated in accelerated learning*
 7 *under KRS 158.6459, meeting or exceeding a college*
 8 *placement composite or subject area benchmark score on a*
 9 *college placement exam that meets the standard established*
 10 *by the Council on Postsecondary Education for entry into a*
 11 *credit-bearing course at a public postsecondary institution*
 12 *without placement in a remedial course or an entry-level*
 13 *course with supplementary academic support;*

14 *v. Completing*~~[Achievement of college credit, postsecondary~~
 15 ~~articulated credit,]~~ *apprenticeship hours, a cooperative, or*
 16 *an internship approved by the Kentucky Department of*
 17 *Education and the Local Superintendents Advisory Council*
 18 *that leads to*~~[time toward]~~ *a credential or associate degree;*
 19 *or*

20 *vi. Achieving*~~[, or]~~ any industry-recognized certifications,
 21 licensures, or credentials, with more weight in accountability
 22 for industry-recognized certifications, licensures, or
 23 credentials identified as high demand in accordance with the
 24 process described in paragraph (c) of this subsection. Eligible
 25 industry-recognized certifications, licensures, or credentials
 26 shall not be limited to those earned in conjunction with a
 27 minimum sequence of courses;~~[.]~~

- 1 **b.** Each high school shall publicly report the credits, hours,
 2 **benchmark scores,** and credentials on an annual basis;
- 3 **c.** **Students who are pursuing an alternative high school diploma as**
 4 **described in KRS 158.140(2)(b) or are limited English**
 5 **proficiency students may demonstrate transition readiness**
 6 **through a combination of learning outcomes as determined by**
 7 **the Kentucky Board of Education; and**
- 8 **d.** **When including transition readiness as an academic indicator in**
 9 **the accountability system as required under this subparagraph,**
 10 **the Kentucky Board of Education shall classify all measures as**
 11 **transition readiness measures and shall not subdivide the**
 12 **measures into differentiated transition readiness categories such**
 13 **as career or college ready categories; and**

14 7. Any other factor mandated by the federal Every Student Succeeds Act of
 15 2015, Pub. L. No. 114-95, or its successor.

16 (c) Based on data from the Kentucky Center for Education and Workforce
 17 Statistics, each local workforce investment board, in conjunction with local
 18 economic development organizations from its state regional sector, shall
 19 annually compile a list of industry-recognized certifications, licensures, and
 20 credentials specific to the state and regional workforce area, rank them by
 21 demand for the state and regional area, and provide the list to the Kentucky
 22 Workforce Innovation Board. The Kentucky Workforce Innovation Board, in
 23 conjunction with the Kentucky Department of Education, may revise the lists
 24 before the Kentucky Department of Education disseminates the lists to all
 25 school districts to be used as **transition**~~[postsecondary]~~ readiness indicators.

26 (d) 1. The Kentucky Department of Education shall pay for the cost of an
 27 assessment taken by a high school student for attaining an industry-

- 1 recognized certification, credential, or licensure if the student
2 consecutively completes at least two (2) related career pathway courses
3 approved by the department prior to taking the assessment.
- 4 2. If a high school student has not completed the two (2) course
5 requirement described in subparagraph 1. of this paragraph but meets
6 performance-based experience eligibility and passes an assessment, the
7 department shall provide a weighted reimbursement amount to the
8 school district for the cost of the assessment based on the level of
9 demand of the certificate, credential, or license earned. The Kentucky
10 Board of Education shall promulgate regulations establishing the
11 performance-based experience eligibility requirements and weighted
12 reimbursement amounts.
- 13 (e) Prior to promulgating administrative regulations to revise the accountability
14 system, the board shall seek advice from the School Curriculum, Assessment,
15 and Accountability Council; the Office of Education Accountability; the
16 Education Assessment and Accountability Review Subcommittee; and the
17 National Technical Advisory Panel on Assessment and Accountability.
- 18 (2) A student's test scores shall be counted in the accountability measure of:
- 19 (a) 1. The school in which the student is currently enrolled if the student has
20 been enrolled in that school for at least a full academic year as defined
21 by the Kentucky Board of Education; or
- 22 2. The school in which the student was previously enrolled if the student
23 was enrolled in that school for at least a full academic year as defined by
24 the Kentucky Board of Education; and
- 25 (b) The school district if the student is enrolled in the district for at least a full
26 academic year as defined by the Kentucky Board of Education; and
- 27 (c) The state if the student is enrolled in a Kentucky public school prior to the

1 beginning of the statewide testing period.

2 (3) After receiving the advice of the Office of Education Accountability; the School
3 Curriculum, Assessment, and Accountability Council; and the National Technical
4 Advisory Panel on Assessment and Accountability, the Kentucky Board of
5 Education shall promulgate an administrative regulation in conformity with KRS
6 158.6471 and 158.6472 and KRS Chapter 13A to establish more rigorous action,
7 intervention, and appropriate consequences for schools that fail to exit
8 comprehensive support and improvement status described in KRS 160.346. The
9 consequences shall be designed to improve the academic performance and learning
10 environment of identified schools and may include but not be limited to:

- 11 (a) A review and audit process to determine the appropriateness of a school's or
12 district's classification and to recommend needed assistance;
- 13 (b) School and district improvement plans;
- 14 (c) Eligibility to receive Commonwealth school improvement funds under KRS
15 158.805;
- 16 (d) Education assistance from highly skilled certified staff; and
- 17 (e) Observation of school personnel.

18 (4) All students who drop out of school during a school year shall be included in a
19 school's annual average school graduation rate calculation.

20 (5) After receiving the advice of the Education Assessment and Accountability Review
21 Subcommittee, the Office of Education Accountability; the School Curriculum,
22 Assessment, and Accountability Council; and the National Technical Advisory
23 Panel on Assessment and Accountability, the Kentucky Board of Education may
24 promulgate by administrative regulation, in conformity with KRS 158.6471 and
25 158.6472 and KRS Chapter 13A, a system of district accountability that includes
26 establishing a formula for accountability, goals for improvement over a three (3)
27 year period, rewards for leadership in improving teaching and learning in the

1 district, and consequences that address the problems and provide assistance when
 2 one (1) or more schools in the district fail to exit comprehensive support and
 3 improvement status after three (3) consecutive years of implementing the
 4 turnaround intervention process described in KRS 160.346.

5 (6) After receiving the advice of the Office of Education Accountability; the School
 6 Curriculum, Assessment, and Accountability Council; and the National Technical
 7 Advisory Panel on Assessment and Accountability, the Kentucky Board of
 8 Education shall promulgate administrative regulations in conformity with KRS
 9 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a
 10 school shall be allowed to appeal a performance judgment which it considers
 11 grossly unfair. Upon appeal, an administrative hearing shall be conducted in
 12 accordance with KRS Chapter 13B. The state board may adjust a performance
 13 judgment on appeal when evidence of highly unusual circumstances warrants the
 14 conclusion that the performance judgment is based on fraud or a mistake in
 15 computations, is arbitrary, is lacking any reasonable basis, or when there are
 16 significant new circumstances occurring ~~during the three (3) year assessment~~
 17 ~~period~~ which are beyond the control of the school.

18 ➔Section 3. KRS 160.346 is amended to read as follows:

19 (1) For purposes of this section:

20 (a) "Department" means the Kentucky Department of Education;

21 (b) "ESSA" means the Every Student Succeeds Act of 2015, Pub. L. No. 114-95,
 22 or its successor;

23 (c) "Level" means elementary, middle, or high school;

24 (d) "Turnaround" means a comprehensive transformation of a school to achieve
 25 accelerated, meaningful, and sustainable increases in student achievement
 26 through improved school leadership and school district support;

27 (e) "Turnaround plan" means a mandatory school plan that is designed to improve

1 student learning and performance with evidence-based interventions as
 2 defined in ESSA and that is developed and implemented by the local school
 3 district in partnership with stakeholders, including the principal, other school
 4 leaders, teachers, and parents; and

5 (f) "Turnaround team" means the turnaround training and support team selected
 6 by the local board of education as described in subsection (7)(a) of this
 7 section.

8 (2) (a) ~~[Beginning with the 2018-2019 school year, or upon implementation of the~~
 9 ~~provisions of ESSA by the department, whichever occurs first, the department~~
 10 ~~shall identify a school for targeted support and improvement if the school has~~
 11 ~~at least one (1) subgroup, as defined by ESSA, whose performance in the state~~
 12 ~~accountability system by level is at or below the summative performance of all~~
 13 ~~students, based on school performance, in any of the lowest performing five~~
 14 ~~percent (5%) of all schools.~~

15 ~~(b)~~ Beginning with the 2019-2020 school year, ***and annually thereafter***~~[or upon~~
 16 ~~the second year of the implementation of the provisions of ESSA by the~~
 17 ~~department, whichever occurs first], the department shall identify a school for~~
 18 ~~targeted support and improvement if the school has at least one (1) subgroup,~~
 19 ~~as defined by ESSA, whose performance in the state accountability system by~~
 20 ~~level is~~~~[at or]~~ below that of all students~~[, based on school performance,]~~ in
 21 any of the lowest-performing ***five percent (5%)***~~[ten percent (10%)]~~ of all
 22 schools for ***three (3)***~~[two (2)]~~ consecutive years ***and the school is in the***
 23 ***lowest-performing ten percent (10%) of all schools by level.***

24 ***(b) Beginning with the 2020-2021 school year, and every three (3) years***
 25 ***thereafter, the department shall identify a school for additional targeted***
 26 ***support and improvement if the school has at least one (1) subgroup, as***
 27 ***defined by ESSA, whose performance in the state accountability system by***

1 *level is below the summative performance of all students in any of the*
2 *lowest-performing five percent (5%) of all schools identified under*
3 *subsection (3)(a) of this section and has been identified for targeted support*
4 *and improvement as described in paragraph (a) of this subsection.*

5 (3) Beginning with the 2018-2019 school year, or upon the department's
6 implementation of the provisions of ESSA, whichever occurs first, a school shall be
7 identified by the department for comprehensive support and improvement if the
8 school is:

9 (a) In the lowest-performing five percent (5%) of all schools in its level based on
10 the school's performance in the state accountability system;

11 (b) A high school with a four (4) year cohort graduation rate that is less than
12 eighty percent (80%); or

13 (c) Identified by the department for targeted support and improvement under
14 subsection (2)~~(b)~~~~(a)~~ of this section and fails to exit targeted support and
15 improvement status based on criteria established under subsection (9) of this
16 section.

17 (4) (a) When a school is identified for targeted support and improvement, the local
18 school personnel, working with stakeholders, including the principal, other
19 school leaders, teachers, and parents, shall revise its school improvement plan,
20 which shall be subject to review and approval by the local board of education.

21 (b) Each revised plan shall be informed by all available indicators, including
22 student performance compared to long-term goals, and shall include:

23 1. Components of turnaround leadership development and support;

24 2. Identification of critical resource inequities;

25 3. Evidence-based interventions; and

26 4. Additional actions that address the causes of consistently
27 underperforming subgroups of students.

- 1 (c) If adequate performance progress, as defined by the department, is not made:
- 2 1. By a school identified under subsection (2)(b) of this section, the local
- 3 school district shall take additional action to assist and support the
- 4 school in reaching performance goals; and
- 5 2. By a school identified under subsection (2)(a) of this section, the school
- 6 shall be identified for comprehensive support and improvement.
- 7 (5) (a) When a school is identified for comprehensive support and improvement, an
- 8 audit shall be performed. The local board of education shall select a
- 9 turnaround audit team with documented expertise in diagnosing the causes of
- 10 an organization's low performance and providing advice and strategies
- 11 resulting in effective turnaround leadership. The audit team shall not include
- 12 any of the district's employees.
- 13 (b) If the local board determines no suitable audit teams are available, the board
- 14 shall select the department to perform the audit.
- 15 (c) The Kentucky Board of Education shall recommend criteria to the local board
- 16 of education for a review process that a turnaround audit team may utilize to
- 17 assess the turnaround leadership capacity of the principal, superintendent, and
- 18 district.
- 19 (d) The audit conducted under this subsection shall be the only comprehensive
- 20 audit required for a school unless the school fails to exit comprehensive
- 21 support and improvement status as described in subsection (10) of this section
- 22 or exits comprehensive support and improvement status but subsequently
- 23 repeats as a school identified for comprehensive support and improvement.
- 24 (6) (a) An audit team established under subsection (5) of this section to audit a school
- 25 identified for comprehensive support and improvement shall include in the
- 26 review and report:
- 27 1. A diagnosis of the causes of the school's low performance, with an

- 1 emphasis on underperforming subgroups of students and corresponding
2 critical resource inequities;
- 3 2. An assessment and recommendation to the superintendent regarding the
4 principal's capacity to function or develop as a turnaround specialist,
5 including if the principal should be reassigned to a comparable position
6 in the school district;
- 7 3. An assessment of the interaction and relationship among the
8 superintendent, central office personnel, and the school principal;
- 9 4. A recommendation of the steps the school may implement to launch and
10 sustain a turnaround process; and
- 11 5. A recommendation to the local board of education of the turnaround
12 principles and strategies necessary for the superintendent to assist the
13 school with turnaround.
- 14 (b) The report of an audit conducted under this subsection shall be provided to the
15 superintendent, local board of education, school principal, commissioner of
16 education, and the Kentucky Board of Education.
- 17 (7) After completion of the audit described in subsection (6) of this section, each school
18 identified for comprehensive support and improvement shall engage in the
19 following turnaround intervention process:
- 20 (a) The local board of education shall:
- 21 1. Issue a request for proposals for a private entity with documented
22 success at turnaround diagnosis, training, and improved performance of
23 organizations to provide a turnaround training and support team to the
24 school identified for comprehensive support and improvement. The local
25 board of education shall select the turnaround entity and negotiate the
26 scope and duration of the entity's services;
- 27 2. Utilize local staff and community partners to serve as the turnaround

- 1 team for the school identified for comprehensive support and
2 improvement; or
- 3 3. Select the Kentucky Department of Education to serve as the turnaround
4 team, if the local board determines the options provided in
5 subparagraphs 1. and 2. of this paragraph are not viable alternatives;
- 6 (b) The authority of the school council granted under KRS 160.345 shall be
7 transferred to the superintendent;
- 8 (c) The superintendent may either retain the principal or reassign him or her to a
9 comparable position in the district;
- 10 (d) The superintendent shall select a principal for the school if a principal vacancy
11 or reassignment occurs. The superintendent shall consult with the turnaround
12 team, parents, certified staff, and classified staff before appointing a principal
13 replacement;
- 14 (e) Upon recommendation of the principal, the superintendent may reassign
15 certified staff members to a comparable position in the school district;
- 16 (f) The superintendent shall collaborate with the turnaround team to design
17 ongoing turnaround training and support for the principal and a corresponding
18 monitoring system of effectiveness and student achievement results;
- 19 (g) The principal shall collaborate with the turnaround team to establish an
20 advisory leadership team representing school stakeholders including other
21 school leaders, teachers, and parents;
- 22 (h) 1. The local school board shall collaborate with the superintendent,
23 principal, turnaround team, and the advisory leadership team to propose
24 a three (3) year turnaround plan.
- 25 2. The turnaround plan shall include requests to the department for
26 exemptions from submitting documentation that are identified by the
27 principal, advisory leadership team, and turnaround team as inhibitors to

- 1 investing time in innovative instruction and accelerated student
2 achievement of diverse learners including ongoing staff instructional
3 plans, student interventions, formative assessment results, or staff
4 effectiveness processes.
- 5 3. The turnaround plan shall be reviewed for approval by the
6 superintendent and the local board of education and shall be subject to
7 review, approval, monitoring, and periodic review by the department as
8 described in KRS 158.782;
- 9 (i) The school district may request technical assistance from the department for
10 development and implementation of the turnaround plan, which may include
11 conducting needs assessments, selecting evidence-based interventions, and
12 reviewing and addressing resource inequities;
- 13 (j) The turnaround plan shall be fully implemented by the first full day of the
14 school year following the school year the school was identified for
15 comprehensive support and improvement; and
- 16 (k) The superintendent shall periodically report to the local school board, and at
17 least annually to the commissioner of education, on the implementation and
18 results of the turnaround plan.
- 19 (8) To assist with funding the audit and turnaround intervention process described in
20 subsections (5) and (7) of this section and not provided by the department, the
21 department shall annually reimburse the school district, for a maximum of three (3)
22 years, an amount not to exceed the amount budgeted by the department to serve as
23 the turnaround team to a school under subsection (7)(a)3. of this section, including
24 Commonwealth school improvement funds under KRS 158.805 and assistance
25 personnel.
- 26 (9) The Kentucky Board of Education shall establish statewide exit criteria for schools
27 identified for targeted support and improvement and comprehensive support and

1 improvement.

2 (10) If a school enters comprehensive support and improvement status and does not
3 make any annual improvement, as determined by the department, for two (2)
4 consecutive years, or if the school does not exit the status after three (3) years, the
5 school shall enter a school intervention process chosen by the commissioner of
6 education that provides more rigorous support and action by the department to
7 improve the school's performance.

8 (11) For school districts that include a significant number of schools, as determined by
9 the department, identified for targeted support and improvement:

10 (a) The department shall periodically review a local board's resource allocations
11 to support school improvement and provide technical assistance to the local
12 school board; and

13 (b) The department may provide a recommended list of turnaround or school
14 intervention providers that have demonstrated success implementing
15 evidence-based strategies.

16 (12) If, in the course of a school audit, the audit team identifies information suggesting
17 that a violation of KRS 160.345(9)(a) may have occurred, the commissioner of
18 education shall forward the evidence to the Office of Education Accountability for
19 investigation.

20 (13) A school's right to establish a council granted under KRS 160.345 may be restored
21 by the local board of education two (2) years after the school exits comprehensive
22 support and improvement status.

23 ➔Section 4. Based on the applicable state assessments administered during the
24 2018-2019 and 2019-2020 academic years, the Kentucky Department of Education shall
25 report to the Interim Joint Committee on Education by December 1, 2019, and by
26 December 1, 2020, regarding the assessment results as they pertain to the graduation
27 requirement that will take effect with the 2023 graduating class. Each report shall include

1 the minimum assessment score determined by the department to meet the graduation
2 requirement and the basis for the determination, the number and percentage of students by
3 district and by subgroup who did not achieve the minimum assessment score to satisfy the
4 graduation requirement, the options for students not meeting the requirement, the actions
5 expected to be taken by districts and schools to assist the students, and an analysis of the
6 expected impact and outcomes resulting from the implementation of the assessment
7 graduation requirement. Prior to presenting each report, the commissioner of education
8 shall host a series of meetings across the state to gather feedback from educators, parents,
9 and students regarding the assessment graduation requirement. The meetings shall be
10 adequate in number and location to provide a broad geographic representation of
11 Kentucky schools, and the reports shall include a summary of the meetings and feedback
12 received.

13 ➔Section 5. Based on the state assessments administered during the 2018-2019
14 and 2019-2020 academic years, the Kentucky Department of Education shall report to the
15 Interim Joint Committee on Education by December 1, 2019, and by December 1, 2020,
16 regarding the assessment results as they relate to the growth shown by students and
17 schools, how indices are calculated in the accountability model, an analysis of the
18 expected impact and outcomes of the growth calculation as developed by the department,
19 and potential for all schools to reach the highest ratings. Prior to presenting each report,
20 the commissioner of education shall convene the Local Superintendents Advisory
21 Council to examine the growth results and gather feedback about the growth calculation
22 and how it is used in the accountability system.